

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON JAMES HYATT,

Plaintiff,

v.

OPINION AND ORDER

16-cv-383-wmc

PORTEAGE COUNTY SHERIFF MIKE LUKAS,
CAPTAIN CORY NELSON and SERGEANT BOETTCHER,

Defendants.

On June 14, 2018, the court granted *pro se* plaintiff Jason James Hyatt leave to proceed in this lawsuit on claims that defendants, employees at the Portage County Jail, violated his rights to access the courts and to equal protection. On August 31, 2018, I granted the defendants' motion to take Hyatt's deposition. (Dkt. 42.) Besides seeking to depose Hyatt, defendants raised the concern that Hyatt might pose a security threat during the deposition based on a letter he sent to defense counsel and his previous violent behavior in jail. Therefore, defendants also requested an order requiring him to be restrained during the deposition or that an officer be present. I have ordered that a correctional officer must be present in the room. Hyatt has filed a motion for reconsideration. (dkt. 47). I am denying that motion.

In his motion, Hyatt reports that the deposition has been scheduled for October 25, 2018. He argues that he has not actually threatening defense counsel in the letter, and then spends several pages of his motion disputing defendants' report of his prior violence. While there may be more to the story about Hyatt's actual intent and his history of violence while incarcerated, I ordered an officer to be present because of the apparent animosity between defense counsel and Hyatt. As I remain persuaded that

there is sufficient animosity between Hyatt and his counsel to warrant the presence of an officer during the deposition, I am denying the motion.

ORDER

IT IS ORDERED that plaintiff Jason James Hyatt's motion for reconsideration (dkt. #47) is DENIED.

Entered this 28th day of September, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge